



ECF Doc. No. 78, Counterclaim ¶¶ 61–118]. Most of these claims or requests have a number of independent sub-parts or claims. For example, Counterclaimants’ cause of action under 12 U.S.C. § 1972 includes four separate claims under that statute. [*See id.* ¶¶ 91–94]. Similarly, Counterclaimants request nine different declarations from the Court. [*See id.* ¶ 117].

Plaintiffs intend to file a dispositive motion pursuant to Fed. R. Civ. P. 12(b) in response to all of these counterclaims. Further, Plaintiffs intend to address not only each claim, but also grounds under multiple subparts of Rule 12(b). Because the motion must address each cause of action and each of its subsidiary claims and because Plaintiffs must discuss separate legal standards and authorities as to each of these causes of action, they request additional time and space in which to bring those arguments.

This motion is not brought for purposes of delay, but rather so that justice may be served. Further, a brief, 7-day extension will not impact the resolution of this case.

Counsel for Plaintiffs has conferred with Kenneth Chaiken, counsel for Defendants, and he is not opposed to the relief requested in this Motion. Thus, Plaintiffs’ request will not prejudice Defendants.

## II. CONCLUSION

For these reasons, Plaintiffs request that the Court extend their deadline to file an answer, motion to dismiss, or other response to the Counterclaim through and including September 28, 2017. Further, given the number of causes of action in the Counterclaim that will be addressed in the dispositive motion, Plaintiffs request leave to file a combined dispositive motion and brief not to exceed 30 pages.

Dated: September 19, 2017.

By: /s/ Robert M. Hoffman  
Robert M. Hoffman  
Texas Bar No. 09788200  
[robhoffman@andrewskurth.com](mailto:robhoffman@andrewskurth.com)  
James C. Bookhout  
Texas Bar No. 24087187  
[jamesbookhout@andrewskurth.com](mailto:jamesbookhout@andrewskurth.com)  
**ANDREWS KURTH KENYON LLP**  
1717 Main Street, Suite 3700  
Dallas, Texas 75201  
Telephone: (214) 659-4400  
Facsimile: (214) 659-4401

David P. Whittlesey  
Texas Bar No. 00791920  
[dwhittlesey@andrewskurth.com](mailto:dwhittlesey@andrewskurth.com)  
**ANDREWS KURTH KENYON LLP**  
111 Congress Avenue, Suite 1700  
Austin, Texas 78701  
Telephone: (512) 320-9200  
Facsimile: (512) 320-9292

**ATTORNEYS FOR PLAINTIFFS**  
**PNC BANK, N.A., COLUMBIA HOUSING SLP**  
**CORPORATION, AND 2013 TRAVIS OAK**  
**CREEK, LP**

**CERTIFICATE OF CONFERENCE**

I certify that on September 19, 2017, I conferred with Kenneth Chaiken, counsel for Defendants, via email, and he indicated that Defendants are not opposed to the relief requested in this Motion.

/s/ Robert M. Hoffman

Robert M. Hoffman

**CERTIFICATE OF SERVICE**

I certify that on September 19, 2017, a copy of the foregoing document was served on all counsel of record in this case through the Court's CM/ECF facilities.

/s/ Robert M. Hoffman

Robert M. Hoffman